

REMARKS

The claims are claims 1, 2, 8 to 10, 12 to 21, 31 to 33, 38 to 40, 43 and 51 to 53.

The Title has been changed to "METHOD FOR REQUESTING AND PAYING FOR DOWNLOADED DIGITAL RADIO CONTENT" to better reflect the subject matter claimed as requested by the Examiner.

The application has been amended at page 6 to correct a minor error. The amendment changes "coder" at lines 23 and 24 to "decoder" according to the final sentence of that paragraph at lines 25 to 27.

Claims 1, 31, 33 and 43 have been amended. Claims 3 to 7, 11, 22 to 30, 34 to 37, 41, 42 and 44 to 50 have been canceled. New claims 51 to 53 are added. Claim 1 is amended to include limitations previously recited in canceled claim 3. Claim 31 has been amended to include limitations previously recited in canceled claim 41. Claim 33 has been amended to recite that the content agent is remote from the receiver. Claim 43 has been amended to include limitations previously recited in canceled claims 48 and 49. Claims 51 to 53 recite limitations on the transmission of the content associated with the digital radio broadcast as disclosed in the application at page 10, lines 16 to 26. Claim 54 recites subject matter disclosed in the application at page 6, lines 20 to 27.

Claims 1, 2, 8 to 10, 31 to 33, 38 to 41 and 43 were rejected under 35 U.S.C. 102(e) as anticipated by Ma et al U.S. Patent No. 6,563,805.

Claim 1 recites subject matter not anticipated by Ma et al. Claim 1 recites "transmitting a request to download the content from a location of the receiver to a content agent located remote from the receiver; transmitting information sufficient to allow for payment of the content from a location of the receiver to the

content agent; receiving a transmission authorizing the download of the content from the content agent." This subject matter requires that the content agent 70 be located remote from the user 30. The OFFICE ACTION cites column 4, lines 16 to 21 of Ma et al as anticipating this subject matter originally recited in canceled claim 3. This portion of Ma et al refers to controller 16 which Figure 1 illustrates as part of audio service receiver 4. Thus this cannot be the claimed content agent because it is not located remote from the receiver as claimed.

Claims 8 and 38 recite subject matter not anticipated by Ma et al. Claims 8 and 38 recites "the download request transmission is a wireless transmission." The OFFICE ACTION cites Figure 1 of Ma et al as anticipating this subject matter. The Applicant submits that Figure 1 of Ma et al illustrates only one transmission, FM modulator 14. Ma et al states at column 3, lines 56 to 67:

"Rather than incorporate a separate audio amplifier and loudspeakers within the satellite digital audio service receiver 4, the FM radio and speaker system typically present in most automobiles, is used to advantage. The output of analog audio signals from playback circuit 12 are fed into an FM modulator 14 and thereafter broadcast at low power via antenna 15, in accordance with FCC Rules Part 15 et seq., within the commercial FM broadcast band. In this way, the FM radio system present in the automobile (not shown) can tune to the frequency of broadcast, receive, and play the audio signals through the existing loudspeakers within the automobile."

This portion of Ma et al clearly indicates that FM modulator 14 is to output the digital broadcast to "play the audio signals through the existing loudspeakers within the automobile." The Applicant respectfully submits that such a transmission cannot be the download request as recited in claims 8 and 38.

Claims 9 and 39 recite subject matter not anticipated by Ma et al. Claims 9 and 39 recite "the wireless transmission is over

cellular telephone lines." The OFFICE ACTION cites Figure 1 of Ma et al as anticipating this subject matter. The Applicant submits that Ma et al fails to disclose any aspect of a cellular telephone and thus cannot anticipate claims 9 and 39.

Claim 31 recites subject matter not anticipated by Ma et al. Claim 31 recites "the content requested not included in the digital radio transmission but associated with the content which is transmitted in the digital radio transmission." This subject matter was previously recited in canceled claim 41. The Applicant submits that Ma et al fails to disclose any such associated content but is limited to downloading the broadcast digital audio signal. Accordingly, claim 31 is allowable over Ma et al.

Claim 43 recites subject matter not anticipated by Ma et al. Claim 43 recites "receiving payment for a selected amount of content in advance of the digital radio transmission in the form of a subscription which allows for the downloading of predetermined content" and "verifying that the selected amount of content is included within the predetermined content which the subscription allows for downloading." The OFFICE ACTION cites column 5, lines 40 to 54 as anticipating the claimed subscription and column 6, lines 26 to 33 as anticipating the claimed authorizing downloading. The Applicant submits that these portions of Ma et al fail to teach that a subscription permits predetermined content to be downloaded. Instead, Ma et al teaches permitting predetermined value of content to be downloaded. Accordingly, claim 43 is allowable over Ma et al.

New claims 51 to 54 recite subject matter neither anticipated by nor made obvious by the references cited by the Examiner. Claims 51 to 53 recite limitations on the downloading of the content not part of the digital radio transmission but associated with the digital radio transmission. Neither Ma et al et al nor Foledare et al teach downloading the associated content via a

wireless transmission, by cellular telephone or via the Internet. Claim 54 recites downloading a decoder along with the requested content and using this decoder to play the downloaded content. Neither Ma et al nor Foledare et al teach this subject matter.

The Applicant respectfully submits that all the present claims are allowable for the reasons set forth above. Therefore early reconsideration and advance to issue are respectfully requested.

If the Examiner has any questions or other correspondence regarding this application, Applicant requests that the Examiner contact Applicant's attorney at the below listed telephone number and address to facilitate prosecution.

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Respectfully submitted,



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